

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

In re: DONLAD RAY HUTCHINSON
Debtor / Plaintiff

Case No. 14-31684 GWE
Chapter 13
Adv. Pro. No. 14-00418

vs.
WELLS FARGO HOME MORTGAGE
Creditor / Defendant

**MOTION FOR TEMPORARY RESTRAINING ORDER, EXPEDITED HEARING
REQUESTED**

Comes now the Debtor, by and through attorney of record, and in support of this Motion states:

1. That jurisdiction and venue are proper.
2. That the Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on November 14, 2014.
3. That the Debtor included Wells Fargo Home Mortgage (hereinafter sometimes referred to as "Defendant") in his original petition as a secured creditor, holding a deed of trust on the Debtor's real property located at 1105 Hester Road, Memphis, Tennessee 38116.
4. That said real property is the Debtor's residence and is essential to the Debtor's successful reorganization under this plan.
5. That the real property is scheduled for a foreclosure sale on December 4, 2014 at 10:00 A.M.
6. That the Debtor filed a Motion to Impose Automatic Stay on November 14, 2014 but the hearing date is set for December 4, 2014 at 10:00 A.M. The Debtor filed a Complaint for Injunctive Relief on November 19, 2014 but no hearing date has been set for this pleading.
7. That it would be an injustice and the Debtor would suffer irreparable harm and injury if an order is not issued preventing Defendant from foreclosing on his home.
8. That the Debtor requests that Defendant be enjoined from foreclosing on the Debtor's real property located at 1105 Hester Road, Memphis, Tennessee 38116, at least until a final hearing can be held on the Debtor's Motion to Impose Automatic Stay and Complaint for Injunctive Relief.
9. That there is a strong likelihood that the Debtor will prevail on the merits of the underlying Complaint for Injunctive Relief filed on November 19, 2014.

WHEREFORE, PREMISES CONSIDERED, the Debtor prays that this matter be set for an expedited hearing and that the Court enter a temporary restraining order prohibiting the foreclosure, sale, or transfer of the aforementioned property.

Respectfully Submitted,

/s/ Herbert Hurst

Herbert Hurst (18721)

Hurst Law Firm, P.A.

Attorney for Debtor(s)

P. O. Box 41497

Memphis, TN 38174-1497

(901) 725-1000

CERTIFICATE OF SERVICE

The undersigned party, attorney for party, or agent therefore, hereby certifies that on this 19th day of November 2014, copies of the above document were electronically mailed, mailed via the United States Postal Service, or hand delivered to the parties listed.

/s/ Josh Kirk

Josh Kirk, Legal Assistant

Hurst Law Firm, P. A.

Attorney for Debtor(s)

P. O. Box 41497

Memphis, TN 38174-1497

(901) 725-1000

NAMES AND ADDRESSES OF ENTITIES SERVED:

Debtor

1105 Hester Road

Memphis, TN 38116

Chapter 13 Trustee

200 Jefferson Ave., Ste. 1113

Memphis, TN 38103

Wells Fargo Home Mortgage

Thru registered agent for service of process: Corporation Service Company

2908 Poston Avenue

Nashville, TN 37203

Wells Fargo Home Mortgage

c/o Wilson & Associates, PLLC
Attorneys for Wells Fargo Home Mortgage
1521 Merrill Drive, Ste. D-220
Little Rock, AR 72211